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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,120	03/03/2000	David L Robinson	0739D-000074	7587

7590 02/11/2003  
Harness Dickey & Pierce PLC  
P O Box 828  
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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/518,120

Applicant(s)

ROBINSON ET AL.

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 05 June 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-28 and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,344,215 to Dahlbacka in view of U.S. Patent No 5,718,482 to Robinson.

Dahlbacka discloses a linear seat recliner that is basically the same as that recited in claims 23-28 and 32-38 except the recliner rod lacks three pairs of flats and a stop, as recited in the claims. See Figures 1-15 of Dahlbacka for the teaching that the linear seat recliner has a housing 56 (Fig. 3) coupled to a support rail 38 (Fig. 1) of the seat bottom, a guide mechanism 62 (Fig. 3), a latching mechanism 74 (Fig. 3), and a recliner rod 54 (Fig. 3) with an aperture 66 (Fig. 3) and two pairs of planar diametrically opposed and parallel flats including first and second ends, a top flat with a plurality of teeth 72 (Fig. 3), and an opposing bottom flat. Robinson shows a liner seat recliner similar to that of Dahlbacka wherein the recliner rod 64 (Fig. 1) has an integrally formed stop 66 (Fig. 1) that extends orthogonally from the bottom. Also, the duplication of parts for a multiplied effect has no patentable significance, and it would have been well within the purview and obvious to one of ordinary skill in the art at the time the invention was

made to provide another pair of parallel flats on the recliner rod such that the rod has a hexagonal cross section. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the linear seat surface of Dahlbacka such that the recliner rod has three pairs of parallel flats and an integrally formed stop orthogonally extending from the bottom, such as the linear seat recliner disclosed in Robinson. One would have been motivated to make such a modification in view of the suggestion in Robinson that the integrally formed stop prevents chucking without requiring excessively close tolerances.

Dahlbacka, as modified, teaches all the limitations of claims 36-38 except the method of forming the recliner rod is not set forth. Although the method of forming is not specifically recited, forming metal rods using extrusion and coining techniques would have been obvious to one having ordinary skill at the time of applicant's invention as a matter of engineering choice. One would have been motivated to make such a modification for cost effective purposes.

3. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlbacka in view of Robinson as applied to claims 23-28 and 32-38 above, and further in view of U.S. Patent No. 5,299,853 to Griswold et al.

Dahlbacka, as modified, discloses a reclining seat assembly that is basically the same as that recited in claims 29-31 except that the latch mechanism is not secured to the seat bottom and seat back, as recited in the claims. Griswold et al. show a reclining seat assembly similar to that of Dahlbacka wherein the reclining seat assembly has seat

bottom 14 (Fig. 5) with a side rail 16A (Fig. 5), a seat back 22A (Fig. 5) with a support rail 24A (Fig. 5), a seat recliner housing 30 (Fig. 5) secured to the support rail, a recliner rod 32 (Fig. 5), and a latch mechanism 82 (Fig. 5) coupled to the housing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the reclining seat assembly of Dahlbacka such that the housing is secured to the support rail of the seat back and the rod connected to the side rail of the seat bottom, such as the reclining seat assembly disclosed in Griswold et al. One would have been motivated to make such a modification in view of the suggestion in Griswold et al. that the embodiment having the reclining seat assembly in the seat back provides added strength to the seat back in the event the shoulder seat belt is mounted to the seat back.

#### ***Response to Arguments***

4. Applicant's arguments filed 27 November 2002 have been fully considered but are moot in view of the new grounds of rejection.


#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE  
February 5, 2003

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600